

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7699

BILL NUMBER: SB 371

NOTE PREPARED: Jan 9, 2003

BILL AMENDED:

SUBJECT: Driving While Intoxicated.

FIRST AUTHOR: Sen. Lanane

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill permits an individual convicted of operating while intoxicated with two prior unrelated convictions to be placed directly in a community corrections program.

Effective Date: July 1, 2003.

Explanation of State Expenditures: A person who is convicted of operating a vehicle while intoxicated (OWI) with one or more prior unrelated convictions of an OWI commits a Class D felony. A Class D felony is punishable by a term of imprisonment ranging between six months and three years. Under current law, offenders with a current conviction of an OWI and one prior unrelated conviction of an OWI may be directly committed to a community corrections program. This bill would permit courts to place offenders *with more than one* prior unrelated OWI conviction in a community corrections program. For each offender committed to a community corrections program, the state avoids the cost of one offender being incarcerated in DOC facilities.

The Department of Correction (DOC) reports that the number of offenders who have been committed for an OWI with one or more prior OWI convictions was 1,297 in FY 2002. Based on a packet search of 10% of these offender records, DOC found that 20% of these offenders had one prior offense, while the remaining 80% had two or more prior unrelated offenses.

The following table was compiled based on the number of offenders who were committed from counties with and without a community corrections program.

Number of Offenders Committed to DOC for Operating a Vehicle While Intoxicated With One or More Prior OWI Convictions, FY 2002			
<u>Offenders With:</u>	From Counties with		<u>Total Commitments</u>
	<u>Community Corrections Programs</u>	<u>No Community Corrections Programs</u>	
One Prior Offense (20%)	192	68	260
More than One Prior Offense (80%)	<u>767</u>	<u>270</u>	<u>1,037</u>
Total Commitments	<u>959</u>	<u>338</u>	<u>1,297</u>
Note: A packet search by DOC of 10% of these commitments showed that 20% had one prior conviction and the remaining 80% had more than one prior conviction.			

Based on these estimates, about 767 offenders who were committed to DOC in FY 2002 could potentially be committed to a community corrections program depending on the availability of space and the discretion of the sentencing court. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: Under current law, community corrections programs may already receive offenders who have been committed to the Department of Correction when they have had one prior OWI offense. Adding this provision to the sentencing laws could increase the sentencing options for the courts for offenders who have more than one prior unrelated OWI offense.

Depending on the community correction program in which an offender is placed, the average annual cost for placing an offender in a program is \$1,288 (*adult program expenditures in FY 2002 of \$20,343,670 ÷ 15,799 adult offenders being served as of December 31, 2001*). The local community corrections program will incur some additional cost for each offender sentenced to a community corrections program rather than to DOC. Each community correction program has distinct program options for offenders. Some programs are paid almost entirely by the offender, while other programs are financed by a combination of offender fees, and local, state, and federal funding.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, community corrections programs.

Information Sources: Department of Correction Planning Division.

Fiscal Analyst: Mark Goodpaster, 317-232-9852